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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 HEATHER McKAY,

8 Plaintiff,

9 v.

10 UNITED STATES OF AMERICA,

11 Defendant.

NO: 2:18-CV-0277-TOR

ORDER CLOSING FILE, DISMISSAL
WITHOUT PREJUDICE

12 BEFORE THE COURT is the Report and Recommendation to Close File
13 (ECF No. 4). This matter was submitted for consideration without oral argument.
14 Having reviewed the file and the records contained therein, the Court is fully
15 informed.

16 On August 29, 2018, Plaintiff Heather McKay filed an Application to
17 Proceed in District Court without Prepaying Fees or Costs. ECF No. 2. A
18 Magistrate Judge denied the application because it did not contain all the required
19 information. The Magistrate Judge ordered Plaintiff to proffer the full filing fee,
20 show cause why prepayment would be inappropriate, or submit a properly

ORDER CLOSING FILE, DISMISSAL WITHOUT PREJUDICE ~ 1

1 completed Application to Proceed *in forma pauperis*, within 30 days of the order.
2 ECF No. 3. Plaintiff did not comply. The Magistrate Judge then recommended the
3 case be closed and allowed Plaintiff 14-days to object. ECF No. 4. Fourteen days
4 have expired and Plaintiff has not objected or complied with the filing fee
5 requirement.

6 Payment of a filing fee is required to institute a suit in the United States
7 District Courts, 28 U.S.C. § 1914, while the *in forma pauperis* statute allows the
8 courts to waive the filing fee for indigent persons, 28 U.S.C. § 1915. Failure to
9 comply with either provision for instituting a suit warrants dismissal of the action.
10 *See Rodriguez v. Cook*, 169 F.3d 1176 (9th Cir. 1999) (appeal dismissed for failure
11 to pay the filing fee or be eligible for *in forma pauperis* status).


12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 This action is **DISMISSED without Prejudice**

14 The District Court Executive is hereby directed to enter this Order and
15 Judgment accordingly, furnish copies to Plaintiff at her last known address, and
16 **CLOSE** the file.

17 DATED October 19, 2018.




THOMAS O. RICE
Chief United States District Judge